IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 3120 OF 2005.
IN
FIRST APPEAL NO. 1459 OF 2005.

Apeejay Premises Coop.Society Ltd. ... Applicant.
Versus.
Maharasghtra State Coop.Bank Ltd. ... Respondent.

Shri Kamath i/by Shri A.V.Doijode for the Applicant.

Shri R.G.Ketkar for the Respondents.

CORAM : ABHAY S.OKA, J.

DATED : 31st MARCH, 2006.

P.C.:

1. Rule. The Respondent waives service.

2. It is not in dispute that during the pendency of the suit, there was no interim order operating in favour of the Applicant. The learned Advocate for the Appellant states that during the pendency of the suit Advocate for the Respondents had made a statement that they will maintain statusquo.

3. The impugned judgment and decree has been passed on 20th December 2004 i.e. nearly 15 months back. From that date only ad-interim order operating in this Appeal is the order dated 30th August 2005 which reads as under:

> "Common user of the lane to continue until further orders".

The order was extended by this Court by further orders passed on 12th January 2006 and 18th January 2006. The record shows that both orders dated 30th August 2005 and 18th January 2006 were passed in presence of the Advocate for the Applicant.

4. As the suit filed by the Applicant/Appellant has been dismissed by the trial Court, the Applicant/ Appellant is not entitled to any interim relief save and except ad-interim order which is operating from 30th August 2005.

5. Hence the application is disposed of directing that the ad-interim order passed on 30th August 2005 in the Appeal will continue to operate till final disposal of the Appeal.

Judge.